

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILLIAM T. MOCK, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, *et al.*,

Defendants.

Civil Action No. 4:23-cv-95-O

JOINT MOTION TO ENTER PROPOSED BRIEFING SCHEDULE

The parties respectfully request that the Court enter a stipulated schedule for briefing Plaintiffs' forthcoming motion for preliminary relief. A proposed order will be submitted separately.

Plaintiffs commenced this action on January 31, 2023, *see* ECF No. 1, challenging, among other things, the Bureau of Alcohol, Tobacco, Firearms and Explosives' *Factoring Criteria for Firearms With Attached "Stabilizing Braces,"* 88 Fed. Reg. 6,478 (Jan. 31, 2023). On February 3, 2023, Plaintiffs completed service of process on the United States Attorney's Office, and the following week, they filed an amended complaint. *See* ECF No. 13.

As they recently indicated, *see* ECF No. 19, Plaintiffs intend to file a motion for various forms of preliminary relief. The parties have thus conferred and have agreed to request that the Court adopt the following deadlines for briefing Plaintiffs' prospective motion:

- On or before February 21, 2023, Plaintiffs will file their motion for preliminary relief;
- On or before March 10, 2023, Defendants will file their response to Plaintiffs' motion;
- On or before March 17, 2023, Plaintiffs may file a reply in support of their motion.

Furthermore, because Plaintiffs' motion for preliminary relief will likely present a number of complex issues of constitutional and administrative law, the parties believe that additional pages in

excess of the limits imposed under the local rules, *see* Local Rule 7.2(c), will be required to enable each side to fully develop and present their respective arguments for the Court. The parties therefore respectfully request that the Court allow each side 45 pages for their initial brief.

Finally, in light of this joint motion, the parties agree that briefing on Plaintiffs' motion for leave to file an oversized brief, *see* ECF No. 19, is unnecessary and therefore ask that the Court vacate the briefing schedule entered on February 14, 2023, *see* ECF No. 20.¹

The parties appreciate the Court's consideration.

Dated: February 17, 2023

Respectfully submitted,

R. Brent Cooper
TX Bar No. 04783250
brent.cooper@cooperscully.com
Benjamin D. Passey
TX Bar No. 24125681
Ben.passey@cooperscully.com

COOPER & SCULLY, P.C.
900 Jackson Street, Suite 100
Dallas, TX 75202
Telephone: (214) 712-9500
Telecopy: (214) 712-9540

/s/ Cody J. Wisniewski (with permission)

Cody J. Wisniewski*
CO Bar No. 50415
cwi@fpchq.org

FIREARMS POLICY COALITION
5550 Painted Mirage Road, Suite 320
Las Vegas, NV 89149
Telephone: (916) 378-5785
Telecopy: (916) 476-2392

*Admitted *pro hac vice*

Attorneys for Plaintiffs

¹ In their motion for leave to file an oversized brief, Plaintiffs indicated that the motion was opposed, *see* ECF No. 19 at 4, but Defendants were never opposed to Plaintiffs' request.

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Branch Director

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN (MT #55816869)
MICHAEL DREZNER
FAITH E. LOWRY
TAYLOR PITZ
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 598-9280
Email: jody.d.lowenstein@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF CONFERENCE

The parties conferred and have agreed about the relief requested herein.

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2023, I electronically filed the foregoing document with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of this filing.

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice